

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

---

OREGON FIREARMS FEDERATION,	)	
INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	Case No.
v.	)	2:22-cv-01815-IM
	)	3:22-cv-01859-IM
KATE BROWN, et al.,	)	3:22-cv-01862-IM
	)	3:22-cv-01869-IM
Defendants.	)	
	)	
	)	
	)	
(Continued)	)	

---

\* VIDEOCONFERENCE \*  
VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION  
OF EXPERT  
GARY D. KLECK

---

Witness located in:  
Tallahassee, Florida

\* All participants appeared via videoconference \*

DATE TAKEN: January 25, 2023  
REPORTED BY: Tia B. Reidt, Washington RPR, CSR #2798  
Oregon #22-0001

BUELL REALTIME REPORTING, LLC  
206.287.9066 | 800.846.6989

3fe9a52f-5c47-40f5-80d9-0afed9abd05b

Ex. 3 - Dodd Decl.

Page 1 of 6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

---

(Continued) )  
)  
MARK FITZ, et al., )  
)  
Plaintiffs, )  
v. )  
)  
ELLEN F. ROSENBLUM, et al., )  
)  
Defendants. )  
)  

---

KATERINA B. EYRE, et al., )  
)  
Plaintiffs, )  
v. )  
)  
ELLEN F. ROSENBLUM, et al., )  
)  
Defendants. )  
)  

---

DANIEL AZZOPARDI, et al., )  
)  
Plaintiffs, )  
v. )  
)  
ELLEN F. ROSENBLUM, et al., )  
)  
Defendants. )

---

APPEARANCES

For Oregon Firearms Federation:

LEONARD WILLIAMSON  
VAN NESS WILLIAMSON  
960 Liberty Street SE, Suite 100  
Salem, OR 97302  
(503) 365-8800  
L.williamson@vwllp.com

For the non-intervenor defendants, governor, the  
Attorney General, and the superintendent of the Oregon  
state police:

BRIAN MARSHALL  
OREGON DEPARTMENT OF JUSTICE  
SPECIAL LITIGATION UNIT  
100 SW Market Street  
Portland, OR 97201  
(971) 673-1800  
Brian.S.Marshall@doj.state.or.us

For the Proposed Intervenor-Defendant Oregon Alliance  
For Gun Safety:

ZACHARY J. PEKELIS  
W. SCOTT FERRON  
PACIFICA LAW GROUP  
1191 Second Avenue, Suite 2000  
Seattle, WA 98101  
(206) 245-1700  
Zach.Pekelis@PacificaLawGroup.com

Videographer:

BROOK YOUNG  
Buell Realtime Reporting  
1325 Fourth Avenue, Suite 1840  
Seattle, WA 98101  
(206) 287-9066  
Brook@BuellRealtime.com

\* \* \* \* \*

BUELL REALTIME REPORTING, LLC  
206.287.9066 | 800.846.6989

1 the criticisms, which is not a scholarly practice. You  
2 know, scholars will respond to criticism with some kind  
3 of a rebuttal, but those who are big fans of the notion  
4 that defensive gun use is rare simply don't respond.

5 Q. Are you familiar with William English of  
6 Georgetown University?

7 A. Yeah. Yeah.

8 Q. Are you familiar with the 2021 National  
9 Firearms Survey he's posted on SSRN?

10 A. Yeah.

11 Q. What do you think of that survey?

12 A. I don't think you can rely on it.

13 Q. Why not?

14 A. He's vague about exactly how he developed his  
15 sample. And there's nothing in his report to  
16 contradict the assumption that what he had was a  
17 self-selected sample, where people were in effect --  
18 who arrived at, let's say, a website were invited to  
19 participate. And that's not a valid sample technique  
20 to generate a sample that's representative of the  
21 larger US population.

22 Q. Why does that matter?

23 A. Well, because you can't then generalize the  
24 results from your sample to the population as a whole.  
25 You only know, well, this was what was true in my

Page 77

1 sample, which was to some extent self-selected, but you  
2 can't know that it applies in any way, shape, or form,  
3 to the US population as a whole.

4 Q. Do you have other concerns with - with the  
5 2021 National Firearms Survey that Dr. English posted  
6 on SSRN?

7 A. No. That's sufficient.

8 Q. Without -- without that information that is  
9 missing, you would not rely on that survey for any  
10 purpose?

11 A. That is correct. I would not rely.

12 Q. Your thesis is that -- about the NRA defensive  
13 use data, that NRA staff intentionally omit stories of  
14 defensive gun use that have greater than ten rounds  
15 fired?

16 A. I think they omit any kind of an incident that  
17 would make defensive gun use look less reputable, less  
18 responsible. If there's an excessive number of rounds  
19 fired, they would be very reluctant to include that  
20 among the incidents they publicize by putting it into  
21 the armed citizen column.

22 Q. Why do you think that firing more than ten  
23 rounds is excessive?

24 A. Well, it's unusual, for starters. And many  
25 people would interpret it as indiscriminate fire. They

BUELL REALTIME REPORTING, LLC  
206.287.9066 | 800.846.6989

C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Tia Reidt, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of GARY D. KLECK, having been duly sworn, on January 25, 2023, is true and accurate to the best of my knowledge, skill and ability.

Reading and signing was requested pursuant to FRCP Rule 30(e).

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of February, 2023.



Tia B. Reidt  
/S/ Tia B. Reidt  
Tia B. Reidt, RPR, CSR #22-0001  
NOTARY PUBLIC, State of  
Washington.  
My commission expires  
5/15/2026.